



Senate

General Assembly

January Session, 2001

File No. 193

Senate Bill No. 1383

Senate, April 10, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING A PLEA OF NOLO CONTENDERE
CONDITIONAL ON THE RIGHT TO TAKE AN APPEAL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 54-94a of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 When a defendant, prior to the commencement of trial, enters a plea
4 of nolo contendere conditional on the right to take an appeal from the
5 court's denial of the defendant's motion to suppress [evidence based
6 on an unreasonable search or seizure, motion to suppress statements
7 and evidence based on the involuntariness of a statement] or motion to
8 dismiss, the defendant after the imposition of sentence may file an
9 appeal within the time prescribed by law provided a trial court has
10 determined that a ruling on such motion to suppress or motion to
11 dismiss would be dispositive of the case. The issue to be considered in
12 such an appeal shall be limited to whether it was proper for the court
13 to have denied the motion to suppress or the motion to dismiss. A plea

14 of nolo contendere by a defendant under this section shall not
15 constitute a waiver by the defendant of nonjurisdictional defects in the
16 criminal prosecution.

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

Explanation

The bill could affect the processing of a small number of criminal cases per year but is not anticipated to result in a fiscal impact.

OLR Bill Analysis

SB 1383

***AN ACT CONCERNING A PLEA OF NOLO CONTENDERE
CONDITIONAL ON THE RIGHT TO TAKE AN APPEAL.*****SUMMARY:**

This bill adds to the circumstances under which a criminal defendant may enter a conditional “nolo contendere” (no contest) plea and immediately appeal a judge’s adverse evidentiary ruling. But it also appears to restrict the circumstances under which judges can accept such pleas.

Under the bill, prior to the start of trial, a defendant may ask to enter a conditional plea whenever a judge (1) denies a motion to dismiss or to suppress evidence and (2) determines that his ruling is dispositive of the case. Currently, only dismissal motions and suppression motions based on constitutional claims of illegal search or seizure or involuntary statements are subject to this process. By court rule, judges currently may accept such pleas where they find that the denial of the motion has a “significant impact” on the case’s outcome.

The bill would permit immediate appeal of a court’s refusal to suppress evidence on non-constitutional grounds. These include claims that evidence was tampered with or was obtained in violation of the state’s wiretap laws.

As under current law, the appellate court’s review is limited to whether the trial court’s ruling was supported by the record. Where error is found, the defendant may withdraw his plea and proceed to trial without the challenged evidence.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 34 Nay 1